

REMARKS

The Office Action mailed September 22, 2005 has been carefully reviewed. On the basis of the following amendments and remarks, reconsideration of the claim rejections and allowance of all of the presently pending claims are respectfully requested.

The Claims

Claims 1-16 are pending.

Claims 1 and 9 have been amended to address and overcome the antecedent basis rejections raised by the Examiner.

Claims 4-6 and 16 have been rewritten in independent form in the manner indicated by the Examiner as being allowable.

The Invention

The present invention is directed to a vehicle clamp, which may be a motorcycle handlebar clamp. The clamp includes an elongated body having a pair of spaced fork leg receiving openings and an opening disposed generally between the fork receiving openings for receiving a steering shaft. A pair of spaced handlebar mounts are disposed on opposite sides of the steering shaft opening with each handlebar mount being disposed between a fork receiving opening and the steering shaft opening. A vibration dampening insert is *interposed between the body and the handlebar mounts*, in order to dampen engine generated vibrations as well as road created vibrations, and to minimize transmission of the same to the handlebars. The vibration dampening insert preferably has a plurality of recesses, and a lower portion of the base of the handlebar mounts has a plurality of alternating lands and grooves, with the lands being receivable within the grooves in the dampening insert.

The Drawings

A replacement drawing sheet is attached hereto as Appendix A. The washer "130" has been renumbered "131" in Figure 3 in order to address and overcome the Examiner's objections with respect thereto. The Specification has also been amended accordingly.

ALLOWABLE SUBJECT MATTER

Claims 4-6 and 16 have been hereby rewritten in independent form to include all of the limitations of the rejected base claim and any intervening claims, in the manner stated by the Examiner to be allowable.

Claims 1 and 9: Rejected Under 35 U.S.C. 112, Second Paragraph

Claims 1 and 9 have been hereby amended to address and overcome the antecedent basis rejections of the Examiner. Specifically, Claim 1 has been amended to recite, *inter alia*, "a steering shaft opening disposed generally between said fork leg receiving openings for

receiving a steering shaft,” and Claim 9 has been amended to recite, *inter alia*, the “vibration dampening insert having a plurality of recesses.”

Claims 1, 3, 7, 8, 14 and 15: Rejected Under 35 U.S.C. 102(b)

Claims 1, 3, 7, 8, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,802,519 (Morgan et al.).

Morgan et al. discloses a damper 18 comprising a complex hydraulic assembly with a hydraulic chamber 19 formed in fork clamp 13 and adapted to be filled with hydraulic fluid. The hydraulic damper 18 interacts with the steering stem 11 (Figure 1) to dampen the rotational movement of the steering system 11 (column 2, lines 63-67; Figures 1 and 2). As shown in Figure 1 of Morgan et al., the handlebars 15 are held by riser posts 14 which connect directly to fork clamp 13. Accordingly, among other distinctions, Morgan et al. fails to teach or suggest, and in fact teaches away from the claimed generally flat dampening insert 130 being *interposed between the body 72 and the handlebar mounts 110, 112* (best shown in the side view of Figure 4 of the instant Application; see also Page 5, lines 4-7 discussing the insert “underlying the base 114 of the respective handlebar mounts 110, 112”). As such, the reference fails to teach all of the elements of Claim 1 and, therefore, does not anticipate the claim under Section 102.

Moreover, the Morgan et al. reference is an entirely different design from the instant invention, and is intended to serve a completely different purpose. Specifically, the Morgan et al. design uses an arcuate hydraulic chamber 19 formed in the center of clamp 13 and filled with hydraulic fluid in order to dampen rotational movement of the central steering stem 11 (Figures 1-9). On the contrary, the claimed invention employs a generally flat dampening insert interposed between the clamp body and the handlebar mounts, to reduce vibration and linear shock transmitted upward toward the rider. The generally flat dampening insert of the invention is contemplated as being made of, for example, rubber or a suitable resinous polymer (Page 5, lines 12-14).

Claims 3,7,8,14 and 15 depend from Claim 1 and, through such dependency, are also patentable.

Furthermore, regarding Claim 3, it is submitted that the single clamp plate 17, taught by Morgan et al. which fasteners across both riser posts 14, (Figure 1), not only fails to teach or suggest the handlebar mounts “each having a base secured to said body and a cap secured to said base,” (emphasis added) as claimed, but it in fact teaches away therefrom.

Regarding Claim 7, Morgan et al., at best, discloses a “hydraulic chamber 19 formed in fork clamp 13” (column 2, lines 63-64). Such hydraulic assembly is an entirely distinct,

complex structure which does not teach or suggest the claimed generally flat dampening insert. Accordingly, the reference does not teach or suggest this further recital of a cavity for receiving such insert.

Regarding Claim 8, it is submitted that the hydraulic damper 18 of Morgan et al. (see, for example, Figure 2) cannot properly be said to be generally U-shaped, whereas the dampening insert of the invention, as shown, for example, in Figure 7 of the instant Application, is clearly U-shaped.

Claim 14 is not separately asserted to be patentable apart from its dependency on Claim 1.

With regard to Claim 15, Morgan et al. fails to teach or suggest the “vibration dampening insert substantially completely underlying said handlebar mounts,” as claimed (best shown in the side view of Figure 4, and in Figure 5 of the instant Application; see also Page 5, lines 4-7 discussing the insert “underlying the base 114 of the respective handlebar mounts 110, 112”). Conversely the reference teaches away from this “underlying” concept. At best, the Morgan et al. hydraulic damper assembly is disposed between the pair of riser posts 14 for the handlebars, not under them.

Claims 1, 3, 7, 8, 14, and 15 are, therefore, patentable over Morgan et al. Reconsideration and allowance are requested.

Claims 2 and 10: Rejected Under 35 U.S.C. 103(a)

Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al., and further in view of U.S. Patent No. 5,921,145 (Muser).

Claims 2 and 10 depend from Claim 1 and, through such dependency, are also patentable.

Additionally, Muser, which discloses a rubber bushing assembly for a bicycle handlebar adds nothing to Morgan et al. to render the instant invention obvious. In fact, the damper 80 taught by Muser, is not ***generally flat***, as claimed, and is located between the handlebar and the handlebar mount (Figures 1 and 3). It therefore teaches away from the claimed ***generally flat*** dampening insert which is ***interposed between the elongated body and the pair of handlebar mounts***.

Moreover, there is no teaching or suggestion to combine Muser with Morgan et al. and, in fact, to do so would require at least partial destruction of the individual teachings of the references in a manner not taught or suggested by the prior art. For example, contrary to the Examiner’s assertion at page 4 of the September 22, 2005 Office Action, it would not have been obvious to make the damper of Morgan et al. of rubber, as taught by Muser.

Conversely, Morgan et al., as previously discussed, teaches a hydraulic damper assembly 18 which uses hydraulic fluid (i.e., oil) in combination with a plurality of components in order to perform its torsional dampening function. The rubber bicycle handlebar bushing assembly taught by Muser is not compatible with the hydraulic assembly of Morgan et al., and even if the references were to be combined as suggested, such combination would fail to teach or suggest the claimed invention.

Neither of the references, taken alone or in combination teach or suggest the recitals of Claims 2 and 10. Accordingly, reconsideration of these claims is also requested.

Claim 11: Rejected Under 35 U.S.C. 103(a)

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al., and further in view of U.S. Patent No. 6,035,741 (Krizman, Jr.).

Claim 11 depends from Claim 1 and, through such dependency, is also patentable. Claim 11 is not separately asserted to be patentable apart from its dependency on Claim 1.

Claims 12 and 13: Rejected Under 35 U.S.C. 103(a)

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al.

Claims 12 and 13 depend directly or indirectly from independent Claim 1 and, through such dependency, are also patentable. Claim 12 is not separately asserted to be patentable apart from its dependency on Claim 1 from which it depends. Claim 13 is further patentable for the following reasons.

Contrary to the Examiner's assertion at page 5, paragraph 3 of the September 22, 2005 Office Action, it would not have obvious to modify the steering shaft opening of Morgan et al. to be adjustable. Conversely, it is submitted that the hydraulic chamber 19 (Figure 2; column 2, line 64) could not properly function if the suggested combination were made. Specifically, the hydraulic chamber 19 is structured to receive hydraulic fluid (column 2, lines 65-66) and is, therefore, reliant upon fluid pressure for the dampener 18 to operate properly. The steering shaft opening could not, therefore, have an opening as suggest by the Examiner because such opening would result in hydraulic fluid escaping, thereby resulting in an undesirable drop in fluid pressure and loss of dampening capability. Thus, to modify the steering shaft opening of Morgan et al. as suggested, would destroy the specific teaching of the reference. Accordingly, the recital of Claim 13 would not have been obvious in view of the reference.

In view of the foregoing, reconsideration and allowance of all of the pending claims, Claims 1-16, is requested.

MISCELLANEOUS

The prior art made of record, but not relied upon, has been reviewed, but is not believed to be more relevant than the applied art.

SUMMARY AND CONCLUSIONS

Claims 4-6 and 16 have been hereby rewritten in independent form to include all of the limitations of the rejected base claim and any intervening claims, in the manner stated by the Examiner to be allowable.

It is respectfully submitted for the foregoing reasons that amended independent Claim 1 and all of the dependent claims, Claims 2-16, which depend directly or indirectly from Claim 1, are patentably distinct from the applied art, whether considered individually or in combination.

Accordingly, it is submitted that the application is now in proper form for issuance of a Notice of Allowance. Such action is respectfully requested at an early date.

Respectfully submitted,



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